

GEOHERMAL POOL AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kenneth W. Sumsion

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Health Code to provide certain exemptions from swimming pool regulations for geothermal pools and natural springs.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ exempts geothermal pools and cold springs from certain health department regulations of public swimming pools.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-15-1, as last amended by Laws of Utah 2007, Chapter 146

26-15-2, as last amended by Laws of Utah 2007, Chapter 25

ENACTS:

26-15-2.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section **26-15-1** is amended to read:

29 **26-15-1. Definitions.**

30 As used in this chapter:

31 (1) "Cold spring" means a flow-through public pool in which the water:

32 (a) is derived exclusively from a natural spring; and

33 (b) does not exceed 50 degrees Fahrenheit.

34 (2) "Flow-through public pool" means a public pool fed by a continuous supply of
35 water that causes an equal volume of water to overflow to waste.

36 [~~(1)~~] (3) (a) "Food handler" means any person working part-time or full-time in a food
37 service establishment who moves food or food containers, prepares, stores, or serves food;
38 comes in contact with any food, utensil, tableware or equipment; or washes the same. The term
39 also includes owners, supervisors, and management persons, and any other person working in a
40 food-service establishment. The term also includes any operator or person employed by one
41 who handles food dispensed through vending machines; or who comes into contact with food
42 contact surfaces or containers, equipment, utensils, or packaging materials used in connection
43 with vending machine operations; or who otherwise services or maintains one or more vending
44 machines.

45 (b) "Food handler" does not include a producer of food products selling food at a
46 farmers market as defined in Subsection 4-5-2(5).

47 (4) "Geothermal pool" means a flow-through public pool, which uses geothermal
48 water.

49 (5) "Geothermal water" means water derived from and heated exclusively from the
50 natural heat energy from the earth.

51 [~~(2)~~] (6) "Pest" means a noxious, destructive, or troublesome organism whether plant
52 or animal, when found in and around places of human occupancy, habitation, or use which
53 threatens the public health or well being of the people within the state.

54 [~~(3)~~] (7) "Vector" means any organism, such as insects or rodents, that transmits a
55 pathogen that can affect public health.

56 Section 2. Section **26-15-2** is amended to read:

57 **26-15-2. Minimum rules of sanitation established by department.**

58 The department shall establish and enforce, or provide for the enforcement of minimum

59 rules of sanitation necessary to protect the public health. Such rules shall include, but not be
60 limited to, rules necessary for the design, construction, operation, maintenance, or expansion
61 of:

62 (1) restaurants and all places where food or drink is handled, sold or served to the
63 public;

64 (2) public swimming pools, except as provided in Section 26-15-2.5;

65 (3) public baths including saunas, spas, massage parlors, and suntan parlors, except as
66 provided in Section 26-15-2.5;

67 (4) public bathing beaches;

68 (5) schools which are publicly or privately owned or operated;

69 (6) recreational resorts, camps, and vehicle parks;

70 (7) amusement parks and all other centers and places used for public gatherings;

71 (8) mobile home parks and highway rest stops;

72 (9) construction or labor camps;

73 (10) jails, prisons and other places of incarceration or confinement;

74 (11) hotels and motels;

75 (12) lodging houses and boarding houses;

76 (13) service stations;

77 (14) barbershops and beauty shops;

78 (15) physician and dentist offices;

79 (16) public buildings and grounds;

80 (17) public conveyances and terminals; and

81 (18) commercial tanning facilities.

82 Section 3. Section **26-15-2.5** is enacted to read:

83 **26-15-2.5. Geothermal pool and cold springs exemptions.**

84 (1) This section applies to the department and a local health department created under
85 Title 26A, Local Health Authorities.

86 (2) Except as provided in Subsection (3), geothermal pools and cold springs are
87 exempt from public swimming pool requirements and public bath requirements related to:

88 (a) disinfectants and chemical feeders;

89 (b) acid based chemistry requirements;

90 (c) recirculation requirements related to:
91 (i) pumps;
92 (ii) skimmers;
93 (iii) filters;
94 (iv) water disinfection equipment;
95 (v) drains; and
96 (vi) other disinfectant equipment designed to completely recirculate the pool volume of
97 water; and
98 (d) water temperature requirements.
99 (3) The department may apply requirements exempted under Subsection (2), only to
100 the extent necessary to protect the public health, if the department can demonstrate that:
101 (a) (i) the geothermal pool or cold spring has consistently exceeded bacterial levels of
102 200 fecal coliforms per 50 milliliters; and
103 (ii) any requirements of Subsection (2) which the department intends to impose on the
104 geothermal pool are necessary to protect the public health; or
105 (b) (i) the geothermal pool has consistently exceeded a water temperature of 125
106 degrees Fahrenheit; and
107 (ii) any requirements in Subsection (2) which the department intends to impose on the
108 geothermal pool are necessary to protect the public health.
109 (4) A change in ownership or remodeling of the facilities of an existing geothermal
110 pool or cold spring does not change the exemption provided by this section.

Legislative Review Note
as of 2-16-09 4:58 PM

Office of Legislative Research and General Counsel

H.B. 405 - Geothermal Pool Amendments

Fiscal Note

2009 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
